

CITY OF WASHINGTON

PLANNING & DEVELOPMENT DEPARTMENT

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MEMORANDUM

TO: Mayor Manier and City Council
FROM: Jon R. Oliphant, AICP, Planning & Development Director
SUBJECT: First Reading Ordinance – Poultry in Residential Districts Text Amendment
DATE: September 12, 2019

Summary: Poultry is currently not allowed in any zoning district other than the AG-1 district. Staff sent a letter a few months ago to a resident that was housing chickens in violation of City Code. The resident then asked about the consideration of an ordinance that would allow them on residential properties. The resident was given a temporary reprieve until that consideration could be given by the Committee of the Whole as a first step. Staff recommends approval of the draft ordinance.

Background: Attached is the text amendment that was largely drafted in 2012 and was updated following input at the June Committee of the Whole meeting and following the August Planning and Zoning Commission public hearing.

The following is a summary of the regulations contained in the draft text amendment:

- A special use permit would be required to house any chickens on a residential lot.
- Chickens would only be allowed on owner-occupied properties.
- A building permit would be required for any enclosure housing chickens.
- No more than five chickens would be allowed on any residential lot.
- Roosters or other loud species of chicken would be prohibited.
- The slaughtering of chickens would be prohibited.
- Chickens must be kept at all times in an enclosure only in the rear yard. Two options are available for the enclosure: 1) A permanent structure constructed consistent with a plan that is approved by the Planning Commission and City Council; 2) In lieu of a permanent enclosure, wire or other materials can be used for the coop if there is a six-foot high opaque fence that entirely encloses the rear yard. The enclosure must not be visible from the street on which the house faces.
- The area of any poultry enclosure including any outdoor runs would not exceed 60 square feet.
- All enclosures could be placed no closer than ten feet from any side or rear property line and at least 25 feet from any residential structure on an adjacent lot.
- All waste material must be disposed of to eliminate any offensive odor.
- All food sources must be protected in a container with a tightly fitted lid in order to prevent rodents from gaining access to them.
- A fee of \$25 would be required for a permit that would need to be renewed each calendar year.
- Special use permits would not run with the land.

Urban poultry ordinances have become more common throughout the country and chickens are now regularly found in high-density cities. Staff feels that this would be embraced by a small minority of residents and would be a positive for the community as long as the proper regulations are in place.

The PZC unanimously recommended approval of the amendment with their only suggested change being to increase the maximum allowable size of any poultry enclosure (including any outdoor runs) from 40 to 60 square feet. A first reading ordinance is scheduled for the September 16 City Council meeting with a second reading to be scheduled for October 7.

ORDINANCE NO. _____

(Synopsis: Adoption of this ordinance would allow no more than five chickens on any residential lot subject to the acquisition of a special use permit. A building permit would be required to construct the coop and the chicken enclosure could be located no closer than ten feet from a side or rear lot line and at least 25 feet from an adjacent residential structure.)

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF
THE CITY OF WASHINGTON, ILLINOIS BY AMENDING VARIOUS SECTIONS OF
CHAPTER 154 ENTITLED "ZONING CODE"**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
WASHINGTON, TAZEWELL COUNTY, ILLINOIS, as follows:**

Section 1. That §154.056 of the Washington Municipal Code of Ordinances titled "Permitted Uses," is hereby amended by deleting §154.056 (F) in its entirety and by substituting the following as §154.056 (F) in lieu thereof:

"§ 154.056 PERMITTED USES

- (F) Nurseries, truck gardening, and the raising of farm crops, but not the raising of ~~poultry or~~ livestock; and provided further that no building shall be erected or maintained on the property which is used for the purpose of selling the products grown or raised. The raising of poultry is permitted as a special use subject to the conditions in §154.056 (O)."

Section 2. That § 154.056 of Chapter 154 of the Washington Municipal Code of Ordinances titled "Permitted Uses" is hereby amended by deleting § 154.056 (O) in its entirety and by substituting the following as § 154.058 (O) in lieu thereof:

"§ 154.056 PERMITTED USES

- (O) Special uses. The following uses are permitted as special uses after a public hearing and recommendation by the Planning and Zoning Commission and approval ~~when approved~~ by the City Council.

(3) The raising of poultry may be established subject to the following general requirements and such other restrictions as the Planning and Zoning Commission or City Council believe proper under the particular circumstances:

- (a) Chickens shall only be permitted on owner-occupied properties.
- (b) Not more than five (5) chickens may be kept on any lot.
- (c) No roosters or unreasonably loud species of chicken shall be kept on the lot.
- (d) No chickens shall be slaughtered.

- (e) Chickens shall be kept at all times within an enclosure in the rear yard constructed and consistent with a plan submitted and approved by the Planning and Zoning Commission and City Council. The enclosure shall be kept and built in such a manner as to allow for easy ingress and egress for the chickens and shall offer protection from weather elements. Wire or other materials can only be used if a permanent six-foot (6') high opaque fence entirely encloses the rear yard. In lieu of a fence, a permanent enclosure housing the chickens shall be constructed subject to the recommendation of the Planning and Zoning Commission and approval of the City Council. The enclosures shall not be visible from the street on which the house faces.
- (f) The area of any enclosure for the purpose of housing chickens including any outdoor runs shall not exceed sixty (60) square feet.
- (g) Any enclosure housing chickens shall require a building permit.
- (h) All enclosures housing chickens shall not be located closer than ten (10) feet from any side or rear property line and twenty-five (25) feet from any residential structure on an adjacent lot.
- (i) No person shall allow the accumulation of any waste material resulting from the keeping of chickens which creates any offensive odor or nuisance.
- (j) All food sources and other items that are associated with the keeping of chickens that are likely to attract rats, mice, or other rodents shall be protected in a container with a tightly fitted lid so as to prevent rodents from gaining access to or coming into contact with them.
- (k) The fee for the housing of chickens shall be twenty-five dollars (\$25) for a one calendar year permit.
- (l) Special use permits shall not run with the land.

~~(4)(3)~~ Accessory commercial uses may be established in the R-1 Residential District subject to the following general requirements, restrictions and limitations, and such other restrictions, requirements and limitations as the Planning and Zoning Commission and City Council shall deem proper under the particular circumstances:

- (a) The use to which the property may be put shall be limited exclusively to one (1) or more of the following uses accessory to a use permitted in a C-1 or C-2 Commercial District: assembly, storage, or the provision of service to goods or products.

- (b) The property shall be located within two hundred (200) feet of the primary C-1 or C-2 zoned property for which the property's use shall be accessory.
- (c) The property shall not have been occupied as a residence or otherwise used for residential purposes for a period of one hundred twenty (120) days immediately preceding the filing of the special use application.
- (d) In order to preserve the residential character of the neighborhood and the property, the following restrictions on the accessory commercial use shall apply to the property:
 - 1. Interior window dressings, residential in character, shall be maintained on all windows, such that the accessory commercial use of the property shall not be visible from the exterior of the premises.
 - 2. No signs of any kind or character shall be posted, erected, or constructed upon the property.
 - 3. No exterior display of the accessory commercial use shall be made or permitted.
 - 4. No more than four (4) vehicles shall be parked on the property at any one (1) time, and said vehicles shall be parked in the driveway thereof.
 - 5. No deliveries by vendors, contractors, agents, or any supplier shall be made to or upon the property, directly or through a freight carrier, unless sufficient off-street delivery facilities are available such that any delivery vehicle shall be entirely outside of all driving lanes on city streets or highways.
 - 6. The accessory commercial use shall not be operated on any day after the hour of 8:00 p.m. nor before the hour of 8:00 a.m., Central Time.
 - 7. No bulk storage of flammable materials, or inflammable, explosive, or hazardous material shall be allowed or permitted upon the property except in such quantities as are necessary for such accessory commercial use and as shall be consumed and completely used during the standard business day. Any such unused or unconsumed materials at the end of each day shall be completely removed from the property.
 - 8. No noxious, offensive, or nauseous fumes, odors, or noises shall be permitted or allowed to permeate from the property, and be audible from adjacent property.

9. No sales of any goods, products, or services shall be made from or upon the property.

~~(5)~~(4) Certified public accounting, and other general accounting, offices so long as the structure is an existing building and that adequate off-street parking is available.

~~(6)~~(5) Tutoring facilities and classrooms so long as the structure is an existing building and that adequate off-street parking is available.

~~(7)~~(6) Child day care facilities may be established in the R-2 Residential District, subject to such restrictions, requirements, and limitations as may be deemed proper under the circumstances.”

Section 3. That § 154.072 of Chapter 154 of the Washington Municipal Code of Ordinances titled “Permitted Uses” is hereby amended by deleting § 154.072 (G) in its entirety and by substituting the following as § 154.072 (G) in lieu thereof:

“§ 154.072 PERMITTED USES

(G) Nurseries, truck gardening, and raising of farm crops but not raising of ~~poultry, pets, or~~ livestock; and provided, that no building shall be erected or maintained on the property for purpose of selling products grown and raised. Horses and ponies are permitted in this District only as an accessory use on an individual one-family dwelling lot and for the pleasure of the occupants of the dwelling and their bona fide guests, and not for hire. A stable, as a principal use, for the housing of horses or ponies only of the occupants of the country estate subdivision of which it is a part, may be approved as part of the subdivision if such community facility is deemed appropriate, in which case, individual accessory stables on one-family dwelling lots shall not be permitted. The raising of poultry is permitted as a special use subject to the conditions in §154.056 (O).”

Section 4. That this ordinance shall be in full force and effect from and after its passage, approval, and publication as provided by law.

Section 5. That all ordinances or parts thereof in conflict herewith are hereby expressly repealed.

PASSED AND APPROVED this _____ day of _____, 2019.

AYES: _____

NAYS: _____

Mayor

ATTEST:

City Clerk